

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's or agent's file reference P64124PC00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL2004/000524	International filing date (day/month/year) 22.07.2004	Priority date (day/month/year) 22.07.2003
International Patent Classification (IPC) or both national classification and IPC A21D13/04, A21D2/36, A23L1/164, A23L1/00, A23L1/0522		
Applicant SOIL & CROP CRUISE CONTROL B.V. et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18.05.2005	Date of completion of this report 28.10.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Koch, J Telephone No. +31 70 340-4307 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/NL2004/000524

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-29 as originally filed

Claims, Numbers

1-29 as originally filed

Drawings, Sheets

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL2004/000524**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-29
	No: Claims	
Inventive step (IS)	Yes: Claims	1-29
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-29
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: ADAMU ZEGEYE: "Acceptability of Injera with stewed chicken" FOOD
QUALITY AND PREFERENCE, vol. 8, no. 4, 1997, pages 293-295,
XP002276233

2. Document D1, which is considered to represent the most relevant state of the art, discloses (cf. paragraph titled "Materials and Methods") the preparation of tef injera from tef grains, from which the subject-matter of claims 1 and 19 differs in that the falling number of the tef grains at the moment of grinding is at least 250.
- 2.1. The subject-matter of claims 1 and 19 is therefore new (Article 33(2) PCT).
3. The problem to be solved by the present invention may be regarded as the provision of teff flour, from which stable food products having an attractive taste and texture can be prepared.
4. The solution to this problem proposed in claims 1 and 19 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:
The prior art does not contain any hint that would encourage the skilled person to use teff grains having a high falling number in order to solve the technical problem.
5. Independent claims 14, 15, 16, 17, 18, 20, 21, 22, 24, 25, 26, 27, 28 and 29 are also considered as being novel and inventive, because they directly and/or indirectly refer to claim 1, which specifies a falling number of at least 250 (cf. 2. here above).
6. Claims 2-13 and 23 are dependent on claim 1 and 22, respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.